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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,536	09/25/2007	Ayres Pinto de Andrade Filho	MLG2-110-A	7110
48980	7590	07/18/2011		
YOUNG BASILE 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084			EXAMINER CHANG, RICK KILTAE	
			ART UNIT 3726	PAPER NUMBER
			NOTIFICATION DATE 07/18/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com

audit@youngbasile.com

**Office Action Summary****Application No.**

10/549,536

**Applicant(s)**

FILHO ET AL.

**Examiner**

RICK CHANG

**Art Unit**

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date 4/14/06, 9/15/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I in the reply filed on 7/7/11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Objections***

2. Claims 2-7 and 10 are objected to because of the following informalities: line 1: "amend "A method" and "A pump" to --The method-- and --The pump--, respectively. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 4 recites the limitation "the step of moulding the pump". There is insufficient antecedent basis for this limitation in the claim.

Claims 4 and 6 recite the limitation "moulding of the housing " in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims are ambiguous and competitors would be unable to discern the bounds of the invention.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hale et al (US 4,746,270).

Re claim 1: see Fig. 4.

Re claim 3: see col. 4, line 35.

Re claim 5: see Fig. 5 and 17 in Fig. 4.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 4,746,270) in view of Hoffman et al (US 7,804,213).

Hale discloses that the housing is made of plastic (polymer), except for thermoplastic and the shaft is received in a use position in the bearing during moulding of the housing.

Hoffman discloses that the housing is made of thermoplastic and the shaft is received in a use position in the bearing during moulding of the housing (col. 4, lines 49-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hale by thermoplastic and the shaft is received in a use position in the

bearing during moulding of the housing, as taught by Hoffman, for the purpose of reducing additional steps of assembling.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 4,746,270) in view of Danish et al (US 5,770,907).

Hale fails to disclose that a lubricant is incorporated in the bearing prior to moulding of the housing around the bearing.

Danish discloses that a lubricant is incorporated in the bearing prior to moulding of the housing around the bearing (col. 4, lines 20-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hale by a lubricant is incorporated in the bearing prior to moulding of the housing around the bearing, as taught by Danish, for the purpose of permanently lubricating the parts.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 4,746,270) in view of Colgate (US 4,663,938).

Hale fails to disclose that the bearing is a ball bearing.

Colgate discloses that the bearing is a ball bearing (col. 33, line 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hale by the bearing is a ball bearing, as taught by Colgate, for the purpose of forming an integral package to protect from the environment and reducing additional steps of assembling.

### ***Conclusion***

11. Please provide reference numerals (either in parentheses next to the claimed limitation or in a table format with one column listing the claimed limitation and another column listing corresponding reference numerals in the remark section of the response to the Office Action) to all the claimed limitations as well as support in the disclosure for better clarity (optional).

Applicants are duly reminded that a full and proper response to this Office Action that includes any amendment to the claims and specification of the application as originally filed requires that the applicant point out the support for any amendment made to the disclosure, including the claims. See 37 CFR 1.111 and MPEP 2163.06.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick K. Chang whose telephone number is (571) 272-4564. The examiner can normally be reached on 5:30 AM to 1:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/549,536  
Art Unit: 3726

Page 6

/Rick K. Chang/  
Primary Examiner, A.U. 3726

RC  
July 14, 2011